

# CHESAPEAKE BAY PROGRAM

Internal deliberative pre-decisional

## ISSUE SUMMARY:

The top environmental priority of the Region 3 Chesapeake Bay Program Office (CBPO) is to achieve an environmentally and economically sustainable Chesapeake Bay watershed providing clean water, abundant life, conserved lands and access to the water, a vibrant cultural heritage, and a diversity of engaged citizens and stakeholders.

## BACKGROUND:

The CBPO works to achieve this vision by supporting the implementation of the 2014 Chesapeake Bay Watershed Agreement's 10 goals and 31 outcomes to be achieved by 2025. We do this through maintaining and funding an office to support, coordinate, and facilitate the Chesapeake Bay Program (CBP) federal/state partnership, funding monitoring and implementation activities of states and local entities, overseeing areas where EPA has direct authority (e.g., water quality requirements), and coordinating other federal agencies' leadership in achieving the 31 outcomes. The main challenge is meeting the CBP commitment to achieve the Agreement outcomes by 2025. Specific near-term challenges include:

- Addressing Diversity, Equity, Inclusion and Justice (DEIJ) Issues: The 2014 Watershed Agreement contains a guiding principle for environmental justice and a diversity outcome with targets to increase representation to 25% overall and 15% in CBP leadership positions by 2025. In August 2020, the Chesapeake Executive Council, which includes the EPA Administrator on behalf of the Federal government, signed a DEIJ Statement for the partnership reaffirming their commitment to embrace DEIJ in all areas of the CBP to achieve its mission. An accompanying Action Statement was signed by the CBP's Principals' Staff Committee (PSC) committing them, among other things, to explore a community advisory board and to draft an implementation plan. The Partnership DEIJ statement reinforces, builds on and coordinates each jurisdiction's existing commitments to DEIJ.
- Implementing the Bay Total Maximum Daily Load (TMDL): The TMDL is designed to ensure all nitrogen, phosphorus, and sediment pollution control efforts needed to restore the Bay and its tidal rivers are in place by 2025. States have reported that, as of 2019, best management practices to reduce pollution are in place to achieve 39% of the nitrogen reductions, 49% of the phosphorus reductions and 100% of the sediment reductions needed to attain applicable water quality standards when compared to the 2009 baseline established in the Chesapeake Bay TMDL. Challenges include:
  - Developing and Implementing the Conowingo Watershed Implementation Plan (WIP): To address the increased infill behind Conowingo Dam and related increased pollutant loads to the Bay, the CBP decided to establish a new and additional WIP, to be developed by the Bay jurisdictions. EPA is providing funding for this effort and the states are also contributing funds from their annual EPA/CBP grants. The draft Conowingo WIP will require EPA review and evaluation in October and November of 2020 with the final WIP likely released sometime in January or early February 2021. An accompanying Conowingo Financing Strategy is also being developed with a draft scheduled for release in the December/January timeframe. There has been significant stakeholder interest in both

efforts related to implementation cost, timing and Best Management Practice location and selection.

- Addressing Climate Change: Climate change affects a multitude of processes in the Chesapeake watershed and tidal waters. CBP's models estimate that an additional 4.9 and 0.6 million pounds of nitrogen and phosphorus reduction, respectively, will be needed to offset modeled future increases in loadings to the Bay associated with climate change to attain water quality standards. The partnership is considering future changes to water quality criteria and designated-uses that will be fully responsive to future climate change challenges while being fully protective of the Chesapeake Bay's aquatic plants and animals.
- Maintaining Scientific Integrity: It is imperative that scientific integrity be maintained as the partnership moves toward our collective 2025 TMDL goals. By 2025, all jurisdiction programs and practices are to be in place to achieve the TMDL targets set for nutrients and sediment; however, full implementation may not immediately result in achieving water quality goals for the Bay. As we move toward the 2025 TMDL goals, Bay states and EPA will continue to receive pressure to show greater progress toward achieving these targets, including pressure to develop new protocols that may not have a scientific basis. We need to ensure that we show and report real progress toward the TMDL goals and base our decisions on the best science to maintain the credibility of the CBP and the partnership.

#### KEY EXTERNAL STAKEHOLDERS:

☒ Congress      ☒ Industry      ☒ States      ☒ Tribes      ☒ Media      ☒ Other Federal Agency  
☒ NGO      ☒ Local Governments      ☐ Other: \_\_\_\_\_

#### MOVING FORWARD:

- Meeting Targets for all 31 Outcomes: In addition to achieving the Bay TMDL 2025 targets for nutrients and sediment, the CBP committed to other outcomes in the Agreement to restore and protect the Chesapeake Bay and its watershed. However, some of these outcomes are falling short. For example:
  - Wetlands Restoration: The outcome in the Agreement is to restore 85,000 acres of wetlands. As of 2017, only 9,013 acres have been reported restored on agricultural lands. The challenge is both the pace of wetland restoration and accounting for all restoration activities happening throughout the watershed.
  - Forest Buffers: Restoration of forest buffers is both an Agreement outcome and an important practice to achieve the nutrient and sediment reductions toward the TMDL targets. The Agreement calls for a rate of 900 miles of forest buffers restored per year, which is significantly lower than the rate of 1,719 miles per year the jurisdictions are hoping to achieve. The rate for the 2016-2017 timeframe was a mere 56 miles, well below the necessary rates to achieve the outcome or to meet the WIP target.

Implementing the Commitments in the DEIJ Action Statement: There are five specific actions called for in the PSC DEIJ Action Statement. The draft implementation plan is due to be presented to the PSC in February 2021 and an action team of state and federal representatives has been formed to develop and implement this plan. In addition, the new Community Advisory Board called for in the Action Statement is being explored and will likely be formed in 2021 after consideration of various issues such as governance, membership and funding.

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LEAD OFFICE/REGION: R3/CBPO

OTHER KEY OFFICES/REGIONS: R3/WD